

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-486 (Sub-No. 2X)<sup>1</sup>

**Kyle Railroad Company--Discontinuance of Service Exemption--  
in Smith, Phillips and Norton Counties, KS**

### **BACKGROUND**

In this proceeding Kyle Railroad Company (Kyle) and Union Pacific Railroad Company (UP) (collectively, petitioners) jointly filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 for Kyle to discontinue service over and UP to abandon a 70.5-mile segment of a line of railroad known as the Lenora Branch, extending from milepost 552.7 near Harlan to the end of the line at milepost 623.6 near Lenora, in Smith, Phillips, and Norton Counties, KS.<sup>2</sup> A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

### **DESCRIPTION OF THE LINE**

Kyle and UP state that there are nine shippers on the line that generated 922 inbound and outbound revenue carloads of freight in 1999; 867 in 1998; and 883 in 1997. The line was built in 1879, 1880 and 1882 by the Atchison & Denver Railway Company, a predecessor of the Missouri Pacific Railroad Company.

### **ENVIRONMENTAL REVIEW**

Kyle and UP submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post abandonment activities, including salvage and disposition of the right-of-way. Kyle and UP served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules at 49 CFR 1105.7(b). Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential

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<sup>1</sup> This case embraces STB Docket No. AB-33 (Sub-No. 154X), Union Pacific Railroad Company--Abandonment Exemption--in Smith, Phillips and Norton Counties, KS.

<sup>2</sup> Petitioners state that milepost 582.52 is equivalent to milepost 582.92, which makes the line 0.4 mile shorter than it would appear from the terminal mileposts.

environmental effects of the proposed abandonment. Contacts have included: the Department of the Army, Kansas City District Corps of Engineers; the Department of Health and Environment, Division of Environment; Kansas Corporation Commission; Kansas Department of Transportation; Kansas State Historical Society; National Park Service; U.S. Fish and Wildlife Service; and the U.S. Natural Resources Conservation Service .

### **CONDITION:**

We recommend the following environmental condition be placed on any decision granting abandonment authority:

The Department of the Army, Kansas City District Corps of Engineers (Corps) has indicated that if the abandonment require excavation or the discharge of dredge fill material in any waters, including wetlands, a Department of the Army permit will be required. Therefore, we recommend that a condition be imposed requiring UP to consult with the Corps, Kansas City District prior to salvaging the right-of-way to determine if permits are required under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

### **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In this case, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

If abandonment and salvage of the rail line does not take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

**PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

**ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-486 (Sub-No. 2X). All correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1629.

Date made available to the public: October 27, 2000.

**Comment due date: November 27, 2000.**

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

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MAP TO BE SCANNED